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Coastal Mart, Inc. v. Dept. of Natural Resources of Missouri

933 S.W.2d 947 (Mo. Ct. App. 1996)

Owner/lessor of gas station and storage tanks sought review of Department of Natural Resources' order requiring the clean up of gasoline which allegedly leaked from the underground tanks. The court held that, whatever the terms of the lease, lessor's ownership of the land and the gasoline tanks conferred sufficient control over the contents of the tanks that it could be considered a "person having control" of a hazardous substance under Missouri's Hazardous Substance Emergency law. The point is that, in environmental cases, the lessor may not be able to shift liability to the lessee

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